



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

July 29, 2021

BY ECF

Honorable Paul A. Crotty
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

**Re: *United States v. Joshua Adam Schulte,*
 S3 17 Cr. 548 (PAC)**

Dear Judge Crotty:

The Government respectfully submits this letter with respect to the Court's order dated July 27, 2021 (D.E. 486) (the "Order"), granting with modification a request in standby counsel's *ex parte* letter dated July 26, 2021.¹ The Order grants standby counsel's application for the defendant to have an unsupervised phone call with his parents, or a call supervised by law enforcement that is not part of the Government's trial team, subject to the condition that an Assistant United States Attorney ("AUSA") from the Civil Division of the U.S. Attorney's Office for the Southern District of New York monitor the phone call, among other provisions.

The Government is arranging for an AUSA from the Civil Division to be available to monitor the call. The Order does not appear to otherwise modify the defendant's Special Administrative Measures ("SAMs") dated October 19, 2019, and extended as of October 26, 2020. With respect to family calls, those SAMs provide that: (1) calls may be contemporaneously monitored by the FBI; (2) calls may be contemporaneously recorded in a manner that allows such calls to be analyzed for indications the call is being used to pass messages soliciting or encouraging the disclosure of classified information or other crimes, or otherwise to circumvent the SAMs; and (3) a copy of each such call recording shall be provided to the FBI and/or the CIA. Accordingly, the Government expects the SAMs will be implemented in accordance with the Court's order by having an AUSA from the Civil Division monitor the family call, rather than personnel from the FBI. The Government does not understand the Order to impose wall requirements between the monitoring AUSA and the FBI, AUSAs from the Criminal Division, and/or the CIA.

The Government respectfully requests that we have an opportunity to be heard in connection with any future requests to modify the SAMs. The SAMs were lawfully imposed

¹ Standby counsel did not notify the Government that an *ex parte* application was submitted.

cc: Joshua Adam Schulte
Reg. No. 79471-054
New York Metropolitan Correctional Center